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THE RECORDS OF THE EAST
JERSEY PROPRIETORS

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THE RECORDS

OF THE

East Jersey Proprietors

BY
ADRIAN LYON

MEMBER AND REGISTRAR OF THE BOARD OF
PROPRIETORS OF EAST JERSEY

READ AT THE MEETING OF THE WOMAN'S BRANCH OF
THE NEW JERSEY HISTORICAL SOCIETY AT NEWARK

MAY 10TH, 1916

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George J. Miller
Aug 31 1949

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THE RECORDS

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EAST JERSEY PROPRIETORS

On June twenty-fourth, 1497, John and Sebastian Cabot, sailing under the authority of Henry VII. of England, reached North America, unfurled the royal banner and took possession in the name of the King. From this is derived the English title.

On March twelfth, in the sixteenth year of the reign of Charles the Second, 1664, he granted to his brother James, Duke of York, the lands from the west side of Connecticut River to the east side of Delaware Bay, together with the right of government.

On June twenty-fourth, 1664, James, Duke of York, granted to John Lord Berkley, Baron of Stratton, and Sir George Carteret, of Saltrum, Knight, two of His Majesty's most Honorable Privy Council, "all that tract of land adjacent to New England and lying and being to the westward of Long Island and Manhitas Island, and bounded on the east part by the main sea, and part by Hudson's river, and hath upon the west Delaware bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware bay; and to the northward as far as the northermost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes

of latitude, and crosseth over thence in a straight line to Hudson's river in forty-one degrees of latitude; which said tract of land is hereafter to be called by the name or names of New Ceaserea or New Jersey."

This conveyance was by the common form of lease and release, and conveyed the soil only, but did not transfer the right of government.

On July thirtieth, 1673, New York and New Jersey were taken by the Dutch. On February ninth, 1674, a treaty of peace restored the country to the English, and they continued in undisturbed possession until the war of Independence.

Because the country was conquered by the Dutch and afterwards restored to the English, Charles the Second, on June twenty-ninth, 1674, gave a new grant to James, Duke of York, similar to the former grant, and on July twenty-ninth, 1674, James, Duke of York, gave another grant to Sir George Carteret for that part of New Jersey as far southward as Barnegat creek.

On July first, 1676, the quintipartite deed was executed between Sir George Carteret, William Penn, Gawn Lawry, Nicholas Lucas, and Edward Billinge, by which East New Jersey was confirmed to Sir George Carteret, and the partition line between East Jersey and West Jersey was described.

This division line ran from the east side of Little Egg Harbour to a point on the Delaware river where it was intersected by the old partition line between New York and New Jersey as intended by the original grant from the Duke of York to Berkley and Carteret. This point was at $41^{\circ} 40'$ latitude and was some distance above the point where the river curves sharply to the west. This results in throwing the division line

farther to the west than can be readily understood by those who have in mind the most northerly point of the state as it now exists. The situation can readily be seen by reference to the map in Smith's history of New Jersey. This line is commonly known as the Lawrence line because it was run by John Lawrence, a surveyor, in 1743.

Sir George Carteret died in 1680. By his will he left his widow, Lady Elizabeth, executrix of his estate and guardian of his grandson and heir and devised to six persons all his property in East Jersey, in trust for the benefit of his creditors. These trustees were the Right Honorable John Earl of Bath, Thomas Lord Creive, the Honorable Barnard Greenvill, Esqr., Brother of the said Earl of Bath, Sir Robert Atkins, Knight of the Bath, Sir Edward Atkins, Knight, one of the Barons of his Majesty's Court of Exchequer. On March sixteenth, 1680, by a writing, they declared "that all Pattents of any Lands in the said Province granted or to be granted to any Person or Persons whatsoever shall hereafter be made in the name only of the Right Honble the Lady Elizabeth Carteret, widdow, the Relict and sole Executrix of the said Sr. George Carteret, deceased, and grandmother and guardian to Sr. George Carteret Baronet Grandson and heir of the said Sr. George Carteret deceased."

These trustees offered said property in East Jersey at public sale to the highest bidder. William Penn and eleven associates purchased it for 3400 pounds, and it was conveyed to them on February second, 1682. Each of these twelve Proprietors subsequently sold one half of his respective right to a new associate, making twenty-four in all.

On March fourteenth, 1682, the Duke of York confirmed the title of the twenty-four Proprietors to East Jersey by name as follows: The Right Honorable James Earl of Perth, the Honorable John Drummond, Esquire, of Lundy; Robert Barclay, Esquire, and David Barclay, Junior, Esquire, of Eury; Robert Gordon, Esquire, of Cluny; Arent Sonmans, Esquire of Wallingford, all in the Kingdom of Scotland; William Penn, Esquire, of Worminghurst in the County of Sussex; Robert West, Esquire, of the Middle Temple, London; Thomas Rudyard, Gentleman, of London; Samuel Groom, Mariner, of the Parish of Stepney in the County of Middlesex; Thomas Hart, Merchant, of Enfield, in the County of Middlesex; Richard Mew, Merchant, of Stepney, aforesaid; Ambrose Rigg, Gentleman, of Gatton Place in the County of Surry; Thomas Cooper, Citizen and Merchant-Taylor, of London; Gawen Lawry, Merchant, of London; Edward Billing, Gentleman, of the City of Westminster, in the County of Middlesex; James Braine, Merchant, of London; William Gibson, Citizen and Haberdasher, of London; John Haywood, Citizen and Skinner, of London; Hugh Hartshorne, Citizen and Skinner, of London; Clement Plunstead, Citizen and Draper, of London; Thomas Barker, Merchant, of London; Robert Turner, Merchant, and Thomas Warne, Merchant, both of the City of Dublin, in the Kingdom of Ireland. These included the twelve original Proprietors with the exception of Thomas Wilcox, who had sold his entire interest to David Barclay. This grant is recorded in the office of the East Jersey Proprietors in Book A, Page 53.

By a letter under date of November twenty-third, 1683, addressed to the Governor and Council of East

New Jersey, and to the planters, inhabitants, and all others concerned in the Province, Charles II. recognized the title of the twenty-four Proprietors to the soil and the right of government.

In Whitehead's "History of East Jersey under the Proprietors" he states that "the greater number of the proprietaries being in England and Scotland, all orders and instructions, however minute, emanated at first from their councils there; but emigration, and a transfer of proprietary rights soon brought to the province such a number of those directly interested in the soil, that on the 1st August, 1684, a board of commissioners was established, comprising all the proprietaries that might be from time to time in the province, to act with the deputy governor in the temporary approval of laws passed by the Assembly—the settlement of all disputes with the planters—the purchase and laying out of lands, and other matters. This soon after became known as the 'Board of Proprietors,' and continued to have the chief management within the province, of those concerns which were connected with the proprietary titles to the government and soil. To this board was also intrusted the adoption of such measures as might best conduce to the advancement and improvement of a new town to be called 'Perth,' in honor of the Earl of Perth, one of the proprietaries, standing on what was then known as Ambo Point."

The earliest minutes of the meetings of the proprietors are found in book A. B., No. 1. This is entitled: "The Journall of the procedure of the proprietors and proxies to proprietors of this province of East New Jersey from and after the 9th day of April Anno dm 1685." The writing is hard to decipher by those not

familiar with it. It soon yields to diligence and attention, however, and can be read with little trouble. This volume is interesting by reason of the fact that it contains the minutes to the year 1705, and thus includes the whole period during which the proprietors had the government of the province as well as the title to the soil.

The first item is a record of a deputation of power dated August first, 1684, from Robert Barclay, Governor and other proprietors of the province to Gawen Lawrie, the Deputy Governor, to do sundry things, among which was to approve and confirm such acts of Assembly as shall be found necessary to establish before copies could be sent to them for confirmation. The limitation as to the acts to be approved and the temporary nature of the power was shown by the concluding words: "But when the fundamentall Constitutions are passed in Assembly then to proceed according to them."

Other powers given by this and another similar deputation of power dated November thirteenth, 1684, also recorded in this book, were to end all matters in debate between the proprietors and the former planters; to "order, settle, sell, or dispose of by Pattent, the Lotts for building and other Lands of Perth so as may best conduce to the advance and improvement of that towne"; to purchase and take lands in the Proprietors' names from the Indians; to rent lands to those who may desire to settle, and this was to be without limit "until we see what further prospect there may be of sending over people enough from England, Scotland and other nations for that end"; to run the several lines of division between the province and New York

and West Jersey; to raise out of the sale of lands or quit rents one hundred and eighty pounds to pay to Thomas Rudyard for his services while Governor; to end all controversies and differences with men of Neversinks and Elizabeth Towne or any other planters, expressly stating that they would "not enter into any treaty on this side with any of those people who claim by Collonell Nicholl's pattent nor with any other that claims lands by pretences from the late Governor Carteret as being both an affront to the Government And of Evill Consequence to make things to be put of by delays and thereby hinder the settlement of our affairs in the province"; to remove restrictions in favor of those who have purchased shares and sent over stores; to set off twenty-five acres to each servant that may come into the province; to grant warrants and patents, on the signature of three members of the council until the passage of the fundamental laws; to fill vacancies in the offices of Secretary, Surveyor General, or Registrar; to lay a tax of five pounds on each propriety and collect the same.

The first meeting, of which the minutes are recorded in this book, was held at Elizabeth Towne on April 9, 1685. There were present at this meeting Gawen Lawrie, Deputy Governor, Thomas Rudyard, Secretary, Thomas Warne, John Campbell, David Mudy, John Barclay, Tho. Fullerton, Robert Fullerton, Thomas Gordon, and James Johnson.

At this first meeting the Deputation to Gawen Lawrie was received and ordered to be put on record in a book to contain a journal of the procedure of the Proprietors. George Keith also produced his commission to be Surveyor General which was subscribed in Scot-

land July thirty-first, 1684, and in London, August eighth, 1684, by a major part of the Proprietors. William Haige also produced a commission dated July twenty-seventh, 1683, for the Surveyor General's place which was still in force. Upon the production of these commissions a resolution was passed that George Keith should have a warrant for five hundred acres and also a town lot to be laid out to him by the Governor and that further consideration of the commission for the Surveyor General be deferred until the next meeting of the council. Pursuant to the foregoing order it was agreed that George Keith should have one of the proprietors' houses, namely, "that wherein Thomas Warne now inhabits."

The consideration of the laying out of Amboy was suggested and was deferred until the next meeting. It was brought up at the next meeting and an order was made by the council that a map of Perth Amboy be prepared. There is to be found in the office a map made on parchment bearing no date but entitled "A Mapp of Perth Amboy East New Jersey containing 1,100 Acres Subtract 30 for the Waste Ground remains 1070 Acres." This map shows plots to various persons, among them being Peter Sonmons, Governor Lawrie, 20 acres, William Haige, 13 acres, Governor Robert Barclay, 25 acres, Thomas Warne, Benjamin Clark, George Wilcox, John Campbell, 12 acres, Thomas Gordon, 6 acres. Many of the streets are laid out as they exist at present in Perth Amboy and the roads from Perth Amboy to Piscataway and Woodbridge are distinctly marked. Whether or not this is the map that was made pursuant to this first action of the council of course cannot be definitely determined, but its ap-

pearance and the names inscribed thereon very clearly connect it with the earliest times.

The function of government at this time was of very little importance in this sparsely settled community. The greater part, therefore, of the action of the council of Proprietors had to do with the laying out of lands, the granting of patents, the collection of quit rents and the purchasing of lands from the Indians.

At the meeting held on April 10th, 1685, the Board resolved to hold meetings of the Council monthly at Elizabethtown.

At a meeting held at Elizabethtown on Friday, the twelfth of June, 1685, George Keith was made Surveyor General in the absence of Mr. Haige. In November, 1685, a confirmation from Governor Barclay and several others of the Proprietors in England to George Keith for the office of Surveyor General was received and it was ordered that Keith be installed in the office.

On page 24 of this first book of minutes there are what appear to be the original signatures of Gawen Lawrie, Jno. Campbell, Tho. Fulertoun, David Mudie, Jr., John Barclay, Geo. Willocks, Thomas Warne, R. Fulertoune, Thomas Gordon, John Rudyard. These signatures are made under date of August fourteenth, 1685.

Among the places for which lands were granted at this early time were Amboy, Elizabethtown, Newark, Woodbridge and Piscataway.

In the midst of this celebration of the two hundred and fiftieth anniversary of the founding of Newark it is fitting to refer to some of the actions of the Board concerning this town.

At the meeting held on April tenth, 1685, a petition

was presented from Thomas Johnson, John Ward and several other inhabitants of Newark requesting a patent for the corporation of Newark. Upon consideration of the matter in the petition it was agreed and resolved that as there were patents for lands made by the former Governor to several of the petitioners and others it was not safe for the Board and Governor to treat upon anything in the petition until all the patents of the inhabitants of Newark be delivered up and surrendered to the Board for the use of the Lords Proprietors.

At a meeting held at Elizabethtown on October fifteenth, 1685, a petition of Thomas Johnson, John Ward and others to the number of eleven, calling themselves a committee in behalf of the inhabitants of the Town of Newark, therein desiring the council to grant them a patent for their town and a confirmation of their just rights to their purchased bounds, as the same is expressed in their Indian Deed of Sale, they being willing to pay the annual rent of ten pounds, being read, it was "agreed and ordered that when the inhabitants of the town of Newark shall pay all the arrears of quit rent for the land they already hold by patent that then this council will treat with them concerning the subject matter in the petition."

On February twenty-eighth, 1692, John Curtice, Edward Ball, Thomas Richards and George Harrieson came before the Board and represented that they were "a committee chosen by the Town of Newark to discourse the Board about an amicable and friendly accommodation concerning their lands which they hold of the Proprietors, to have all the lands which they possess by legall purchase from the Indians, for a yearly acknowledgement, &c. After a long conference be-

tween the Board and the aforesaid persons in behalf of the said Town of Newark the Governor with the consent of the members of the council proposed to the said persons that if the people of the inhabitants of Newark would (such of them as yet had not) take out patents forthwith for the lands which they possess and pay their arrears of quit rent for the time passed and in time coming that then all the old settlers and first adventurers with their associates should have one hundred acres of land per piece at six pence per annum quit rent within the bounds of the said Town of Newark. The Committee for the Town of Newark aforesaid taking the premises into consideration desired fourteen days' time to acquaint their town herewith and to give their answer, which was agreed to by this Board."

At the meeting held at Perth Amboy on April twentieth, 1693, it was reported in reference to the foregoing matter "that several of the old settlers of Newark had already agreed and complied, and some others had offered to comply, and had petitioned to have the same terms granted to them as others of the province and the rest of their neighbors have had. After a full debate and deliberate consideration of this Board it was put to the vote whether it be for the interest of the Proprietors or not that the inhabitants of Newark who are old settlers of the said Town should have one hundred acres of land each granted them at six pence per annum quit rent. It was the unanimous opinion of the Board in the affirmative that it was for the interest of the Proprietors to grant the request, except George Willoks who differs." The names of the persons to whom the one hundred acres of land

each were granted were then given, but they are too numerous to repeat here. From time to time there were further petitions from the inhabitants of Newark as old settlers for one hundred acres of land at six pence per annum. The patents were granted upon condition that such of them as had old patents take out new ones and resign the old ones. Their names were given.

On April tenth, 1696, a petition was presented by John Curtice and Robert Yong, both of Newark, in behalf of the rest of the freeholders of said Town for a patent for their streets, market places, training places, burial places, landing places, watering places, &c., and also two hundred acres for a parsonage. It was agreed and ordered they have a patent granted to the freeholders in common.

The Proprietors were interested in the propogation of religion because it appears that they frequently granted lands for meeting houses and parsonages. In addition to the grants to Newark it appears that on December tenth, 1698, it was agreed and ordered that one of the old houses at the point and the lot on which it stands be given and allowed by the Proprietors to be a Church, for the use of the Town of Perth Amboy. This was doubtless the beginning of St. Peter's Parish, one of the oldest in the State.

In the minutes of a meeting held at Amboy in November of 1685, a reference is made to the arrival of Lord Neal Campbell an other gentlemen to view the province.

On September sixteenth, 1692, Colonel Andrew Hamilton produced a commision to be Chief Governor of the Province, dated at London, March twenty-fifth, 1692.

The foregoing references to the minutes of the Board of Proprietors are given as examples to show the activities of the Board in those early days. Further references cannot be made in the limited time at my disposal.

There seems to be a break in the records of the meetings of the Board from 1705 to 1725; but beginning on March twenty-fifth, 1725, the records of the meetings of the Council of Proprietors continue with regularity until the present time. There is no record of any meeting, however, between August fourteenth, 1778, and an attempted meeting on April twenty-third, 1782, owing doubtless to the Revolutionary War. On this latter date a number of the members of the Board convened at the house of Jacob Arnold, Esquire, of Morristown. There not being a sufficient number to form a Board they agreed to hold another meeting at Princeton on June third, 1782.

The minutes from 1725 to 1764 are found in minute book A; from 1764 to 1794 in minute book B; from 1794 to 1867 in minute book C; and from 1867 to date in minute book D.

On August eleventh, 1725, the Proprietors entered into an agreement by which it was agreed that each owner of Propriety should have one vote for each quarter held, provided that no one Proprietor should have more than twelve votes; no person should be a proxy but a Proprietor or agent for a Proprietor; that a general Council of Proprietors at their two yearly meetings should consist of ten persons (afterwards changed to seven persons) at least, whose interest or those they represent computed together should make up eight whole Proprieties; and that the

President should be chosen annually and all other officers continued during good behavior. The minutes of these meetings instead of being signed by the Clerk or Secretary were signed by all of the members present. This would now be a very unusual proceeding, but it adds much to the interest and appearance of this early record. Many of the signatures are exceedingly original and some of them have the appearance as if the writer were trying to picture a bird's nest for the adornment of the record.

The Honorable Cortlandt Parker in an address delivered upon the occasion of the Bi-centennial Celebration of the Board of Proprietors on November twenty-fifth, 1884, makes the following reference to the minutes just referred to: "And first of all I mention, because of his absorbing interest in proprietary rights, the distinguished James Alexander. The minutes of the Council of Proprietors from 1725 to 1756 are a monument of the devotion, zeal, intelligence and unremitting and absorbing care of this gentleman for the interests of this Association. How much earlier he bestowed this attention I am not able from the material furnished me to say. But during this period it might be said of him that he well-nigh embodied the Board. If he did not with his own hand pen the minutes, they must have received his particular and most scrupulous supervision. They recount his history and the employment of his time. They refer to incidents now historical and most valuable to the general public."

Reference is made in the minutes of August twenty-fourth, 1743, to the agreement with John Lawrence to run the division line. His compensation was to be

the sum of 140 pounds proclamation money. A copy of the instructions are recorded on page 231 of minute book A and the following pages.

Space here will not suffice to refer in particular to all of the records in the office of the Board at Perth Amboy. There are about a dozen books of miscellaneous records containing copies of deeds, wills, grants, agreements and other documents. There are twelve books of conveyances of Proprietary Rights. There are books of Warrants which are the records of the action of the Board authorizing surveys of lands to be made for the Proprietors entitled thereto. There are books containing the accounts of the Proprietors as to the state of their holdings and the charges against the same when lands have been taken up by them. The records of surveys will be hereinafter referred to.

Book C of Laws purports to be copies certified by Elisha Dobree and John Hyndshaw, made under the authority of King George the Second, under date of December thirteenth, 1743, and to which the great Seal of the Province is affixed, of all "the Entries of the Public Commissions from all The Lords Proprietors of the said Province to other the Proprietors resident in the said Province, And Also the Entries of the Public Commissions, Writts, Warrants and Acts of General Assembly Granted, made and passed under the Seal of the said Province from and after the thirteenth day of November Ano Dom 1682."

The first entry is a proclamation to the planters and inhabitants of the Province by Robert Barclay, Governor and Proprietor, and the other Proprietors of the Province. It set forth that the Proprietors hold them-

selves obliged by the law of God and just laws of men to use all honest means to make the plantation prosperous, and that the interest of the inhabitants was so bound up with their own that they could not suffer if the inhabitants prospered nor prosper where the inhabitants were injured. This proclamation was expressed in the most friendly terms.

These commissions ran to officers of the Board, public officials, such as Justices of the Peace, Constables, Judges of the Courts for the Determination of Small Causes, members or Justices of the Court of Common Right and such other officials as had been provided for by the Acts of the General Assembly. I may be pardoned for stating that it here appears that under date of March twentieth, 1683, Henry Lyon, who was the direct ancestor of the writer of this paper, with two others were appointed commissioners to hear and determine small causes in Elizabethtown. He came to Newark with the Fairfield settlers, of which town he was the first Treasurer, went to Elizabethtown for a time and afterwards returned to Newark where he died. His was the eighth name on the agreement of the New Milford settlers of June twenty-first, 1667, on which the name of Robert Treat was the first.

Among the Acts passed by the General Assembly were a Bill to make Void the Proceedings of some late Courts, a Bill to Settle the Court of Common Right, a Bill of General Laws, a Bill against Fugitive Servants, a Bill for the Orderly Keeping of Swine, An Act against Trading with Negroes, An Act to Encourage the Killing of Wolves, An Act to Regulate Treaties with the Indians, an Act for Dividing the County of Middlesex into two counties, An Act Prohibiting Sell-

ing of Strong Drink or Liquor to the Indians, and many other like subjects. An Act was passed as early as 1695 for regulating schools. An early act provided a fine of five shillings for being drunk. Another provided for restraining and punishing of privateers and pirates.

But these references must suffice in order to give some time to the consideration of the most important function of the Board, namely the granting of land to the Proprietors and others.

By a document bearing date the fifteenth day of April, 1702, the Proprietors surrendered to Queen Anne the powers of government, retaining in themselves the title to the soil. This document refers at length to the original grant and states that her Majesty had been advised that the Proprietors had no right to nor could legally execute any of the powers of government, but that it belonged to her in right of her Crown of England, and that the Proprietors were desirous to submit themselves to her and surrender all their pretences of the said powers of government. Reference is made in the minutes of the meeting of December first, 1702, to a report of Lewis Morris of his negotiations in England concerning this surrender. Upon this event, to use the language of Mr. Parker, in the address above referred to, the Board "became what it ought to have been from the beginning, merely an association of landowners."

Thus the twenty-four Proprietors, each owning an undivided twenty-fourth interest, became the owners as tenants in common of all the land in East New Jersey. Back to them all the titles must be traced to be good according to the rules of law.

Chief Justice Kirkpatrick, in the case of *Arnold vs. Mundy*, 1 Halstead's Reports, at Page 67, has stated the rights of the Proprietors, in the following language: "The Proprietors of East Jersey are tenants in common of the soil; their mode of severing this common estate is by issuing warrants, from time to time, to the several proprietors, according to their respective rights, authorizing them to survey and appropriate in severalty, the quantities therein contained. Such warrant does not convey a title to the proprietor, he had that before; it only authorizes him to sever so much from the common stock, and when so severed, by the proper officer, it operates as a release to him for so much. This is the case when the proprietor locates for himself. When he sells his warrant to another, that other becomes a tenant in common with all the proprietors pro tanto, and, in the same manner, he proceeds to convert his common, into a several, right. Regularly there is a deed of conveyance upon the transfer of this warrant for so much of the common property and that deed of conveyance, and the survey upon the warrant, is the title of the transferee. It is true, that the survey must be inspected and approved by the board of proprietors, and must be carefully entered and kept in the secretary's office, or in the office of the surveyor-general of the division, but this is for the sake of security, order and regularity only, and is, by no means, the passing of the title. It proves that the title has already passed, but it is not the means of passing it."

In the case of the Board of Proprietors against the Estate of William M. Force, 72 New Jersey Equity Reports, page 56, in a very exhaustive opinion by Vice

Chancellor Pitney, he refers to the method of passing title by the Proprietors by a warrant of location and says: "These warrants of location which came to be called simply 'warrants' or 'rights' were usually issued by way of dividends to each of the Proprietors according to the amount of his holding, and when issued, were credited to the Proprietor on a book called the warrant book, and as often as any land was located under them the party who had credit for so many acres was charged with the amount actually located. The fact that the most usual occasion of issuing these warrants was by way of dividends among the Proprietors resulted in the process being termed by the courts a mode of partition among the Proprietors." He also refers to the custom of the Proprietors in later years of issuing warrants of location to outside parties who were not Proprietors by sales with or without auction, and criticised the opinion of the Court in the case of *Jennings vs. Burnham* 27 Vroom's Reports, page 289, which held that the Proprietors could not transfer title to their lands to a stranger by the use of a warrant and survey. The Vice Chancellor refers to the case of *Cornelius vs. Giberson*, 1 Dutcher's Reports, page 1, where such a mode of transfer has been approved by the Supreme Court and states that if the attention of the Court in the case of *Jennings vs. Burnham* had been called to this custom of the Proprietors and to the case of *Cornelius vs. Giberson* the Court would have come to a different conclusion. "For it must be observed," said he, "that the mode of severing titles by partition is one resting entirely in the custom of the Proprietors, and is not in accordance with the course of the common law."

Since the surrender of the powers of Government in 1702, therefore, the activities of the Board have been confined to the granting of lands and the greater part of the records in the office at Perth Amboy are records of such actions.

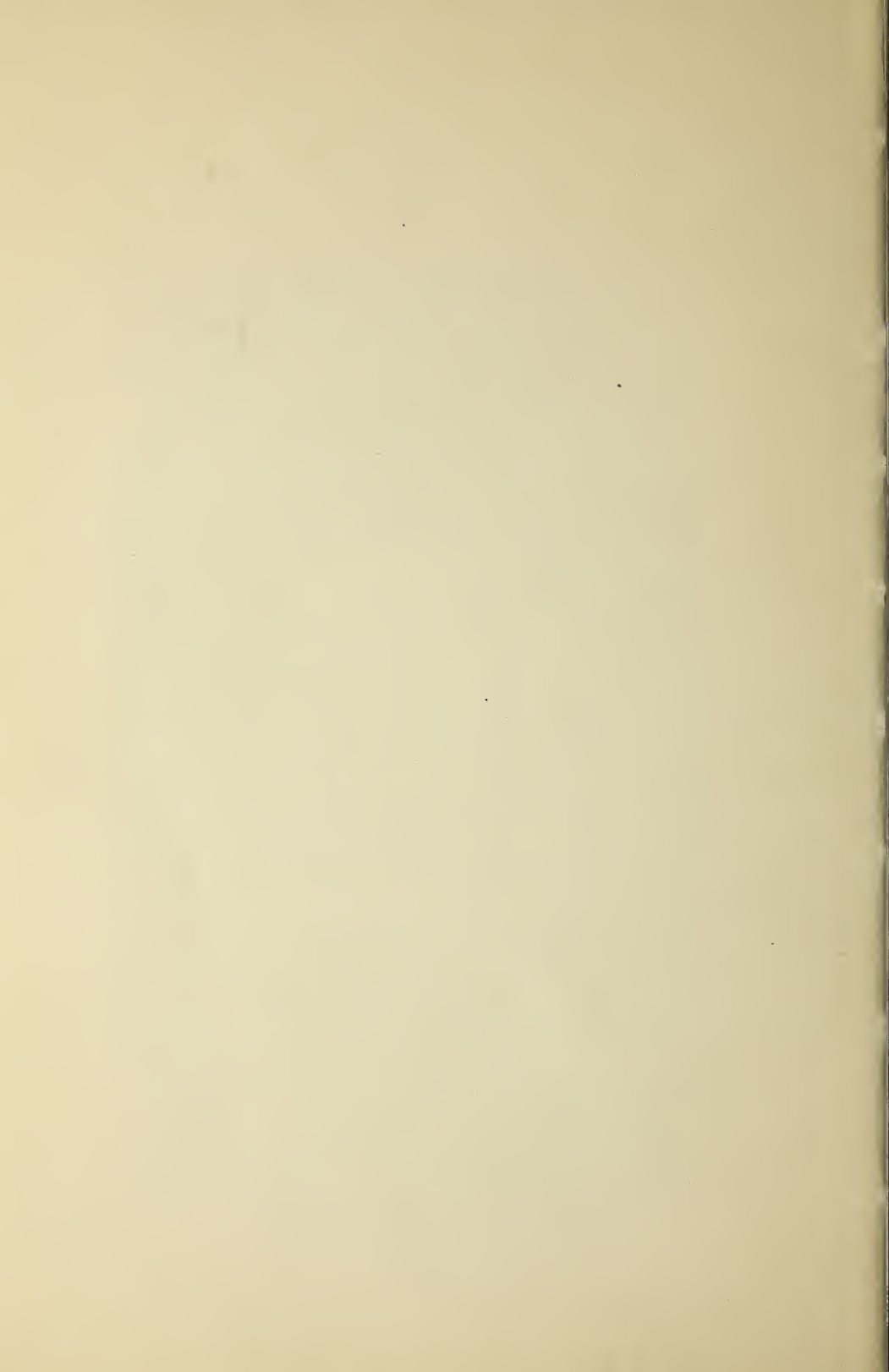
The most usual method of making such grants was upon a warrant issued by the Board directing that a survey be made for a certain number of acres. By the authority of this warrant a survey was made by a deputy surveyor who sent his brief certificate and description and computation thereof to the office of the Board, or of the Surveyor General, as it is commonly called. Thereupon the Surveyor General made a certificate, called a "return" stating that the deputy surveyor had surveyed for the person entitled to it a tract of land as described. This "return" was recorded in the office in the book of "Surveys" and thereby became the muniment or evidence of title of the Proprietor or purchaser.

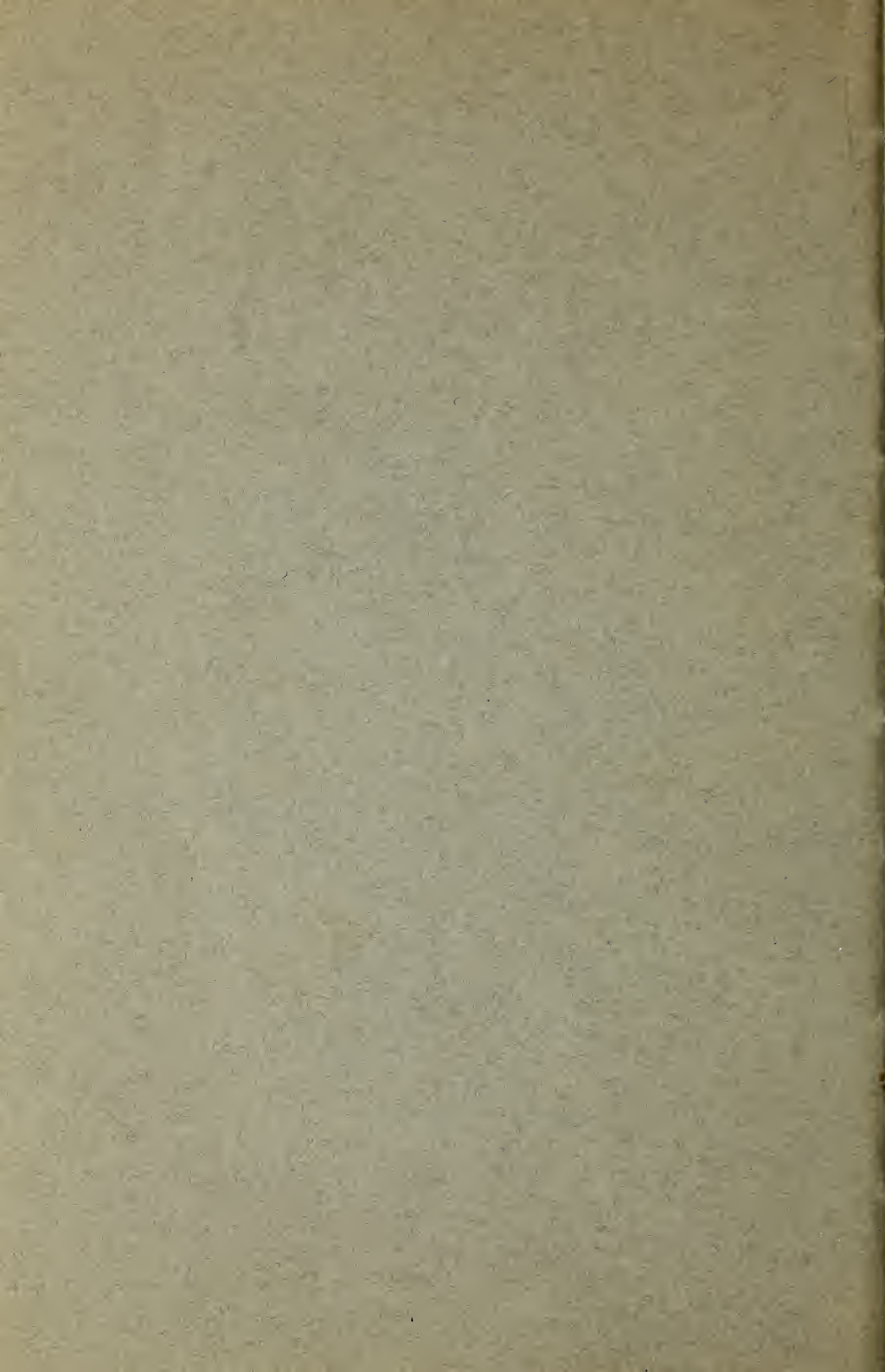
There are in the office three very old books of Warrants and Surveys between the years 1673 and 1738. They are valuable from an historical point of view, but, by reason of our laws concerning the limitation of time in which actions for the possession of land may be brought, would be seldom referred to for the purpose of making title. In addition to these is the regular series of record books in which "surveys" or "returns" are recorded, beginning with 1719 and continuing in twenty-three books to date.

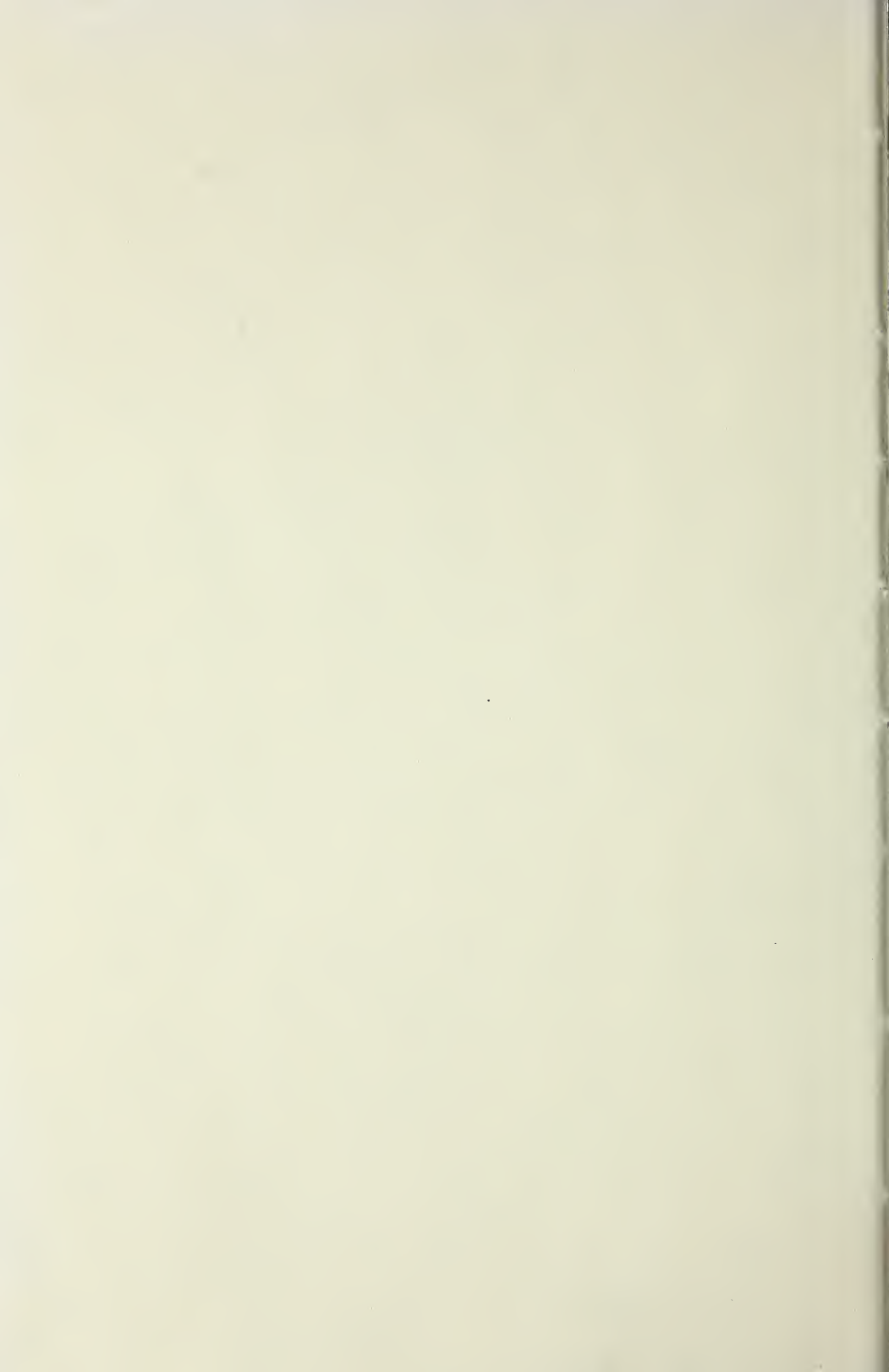
The General Proprietors of the Eastern Division of New Jersey is a corporation. It is the oldest private corporation in this State doing business at the present time, and doubtless the oldest in this country. It was

never incorporated under the authority of any law. Its legal status in this respect, however, has been before the Courts and in the case of the Proprietors against the Force Estate, above mentioned, Vice Chancellor Pitney held it to be a corporation by prescription and his holding was affirmed on appeal.

Its relation to the State of New Jersey and especially to the titles to the soil is anomalous. It had its origin in the grant of a King to his "dearest Brother," of a land far away beyond the seas, over two hundred and fifty years ago. Then it was a new land roamed by wild beast and inhabited by the Indians. Its attractions were a goodly land, a fertile soil, the allurements of adventure, and the freedom of the vast unpeopled domain. Its hardships were the privations of the primeval forests and the separation from the ties of the mother land. This corporation still exists and is still doing business. It is a link between the present and the past. Through it we are reminded of the sacrifices of the men in the days that have gone, and of the rewards of their labors which we in this busy, prosperous, civilized land are enjoying to the full.







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